

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**RICARDO GABINO,
Plaintiff,**

v.

Case No. 05-C-0676

**DODGE CORRECTIONAL INSTITUTION et al.,
Defendants.**

ORDER

Plaintiff has filed a complaint pursuant to 42 U.S.C. § 1983 and requested leave to proceed in forma pauperis. On June 27, 2005, I ordered plaintiff to pay an initial partial filing fee of \$11.41 within twenty-one days. Twenty-one days has now expired, yet plaintiff has not paid the initial partial filing fee. However, I will provide the plaintiff with an additional twenty-one days in which to do so. Plaintiff is advised that if he does not pay the initial partial filing fee within twenty-one days of the date of this order, this action will be dismissed pursuant to Fed. R. Civ. P. 41(b) and Civil L.R. 41.3 (E.D. Wis.). For plaintiff's reference, copies of my June 27, 2005 order, Fed. R. Civ. P. 41 and Civil L.R. 41.3 will be attached to this order.

NOW, THEREFORE, IT IS HEREBY ORDERED that within 21 days of the date of this order, plaintiff shall forward to the Clerk of this Court the sum of \$11.41 as an initial partial filing fee in this action.

After the initial partial filing fee is paid, the court will then review plaintiff's legal claim(s) to determine whether the action may proceed in forma pauperis. Claims that are frivolous or malicious, fail to state a claim upon which relief may be granted, or seek

monetary relief against defendants with immunity will be dismissed at this stage. § 1915(e)(2)(B). Please note that if any one claim survives this review, plaintiff will not incur a § 1915(g) “strike.”

Dated at Milwaukee, Wisconsin this 9 day of August, 2005.

/s

LYNN ADELMAN
District Judge